

**King County****Department of Development
and Environmental Services**900 Oakesdale Avenue Southwest
Renton, WA 98057-5212

206-296-6600 TTY 206-296-7217

**REASONABLE USE EXCEPTION
APPLICATION:
Instructions & Information**

For alternate formats, call 206-296-6600.

General Information

The following is a summary of the Reasonable Use Exception process and a description of the application submittal requirements. The information for a Reasonable Use Exception application is necessary in order to evaluate the merits of a proposal with applicable county and state regulations and to assess the potential community environmental impacts.

An application will be evaluated on the basis of information provided by the applicant, the King County Comprehensive Plan, pertinent provisions of the King County Code, site inspection and comments submitted by citizens and interested public agencies. If the subject property is located within an identified landslide, erosion, steep slope, seismic, avalanche or coal mine hazard or wetland or stream area, the applicant may be required to submit a special study produced by a qualified professional to address the identified critical area features on the subject property.

Copies of the King County Codes and Comprehensive Plan are available for inspection at the DDES Permit Center and at the Main Branch of the Seattle Public Library. King County Codes and other development regulations are also available on the Internet via the King County Web site at www.kingcounty.gov/permits.

For questions related to Reasonable Use Exceptions, contact:

Department of Development and Environmental Services
Land Use Services Division (LUSD)
900 Oakesdale Avenue Southwest
Renton, WA 98057-5212
Telephone: 206-296-6600 TTY: 206-296-7217

Pre-Application Conference

A pre-application process, which includes three steps, must be followed prior to filing a RUE application. These steps are: Step 1, an *Informational Meeting*; Step 2, a *Pre-Application/Feasibility Meeting*; and Step 3, an *Application Review Meeting*. A description of the content and purpose of these meetings, as well as the forms and instructions for scheduling them are available at the DDES Permit Service Center.

There is no charge for Step 1, the *Informational Meeting*, which can be scheduled shortly after submitting a meeting request, or can occur on a walk-in basis. For Steps 2 and 3, the *Pre-Application/Feasibility Meeting* and the *Application Review Meeting*, these meetings can be scheduled within a few days of the request submittal, and will occur within thirty (30) days. A monetary deposit of \$383 is required at the time of the meeting request submittal for Steps 2 and 3, and hourly charges for all staff work performed for Steps 2 and 3 will be billed to the applicant. Note that requests for Step 2 and Step 3 meetings must be submitted in person. Please call 206-296-7059 for more information.

Filing an Application

A Reasonable Use Exception application must be filed in person at the DDES Permit Center. An appointment with a Zoning Technician is required to file the application. Please call 206-296-6797 to schedule the appointment. The minimum submittal requirements necessary to file the application are described below. LUSD staff has twenty-eight (28) days from the date of the filing to determine whether or not the application is complete. An application that fails to meet the submittal requirements described herein will be deemed incomplete.

Notice of Application

Public Comment Period: After LUSD staff determines that a Reasonable Use Exception application is complete, a Notice of Application is issued as specified below. The minimum public comment period is 21-days, although public comments may be submitted and considered until the time of the decision.

1. LUSD sends out a notice of the application to property owners within a 500-foot radius of the subject property.

If the area is rural or lightly populated, the notice must be mailed to at least 20 different property owners; or, in other appropriate cases, the division may determine it is necessary to notify additional property owners.

2. A notice of the application will be published by LUSD in the official county newspaper and another newspaper of general circulation.
3. The applicant is required to install a notice board that must be placed in a conspicuous place on the property throughout the permit process so that it is visible to people passing by the property. Additional notice boards may be required as determined by LUSD.

The cost of the board is the applicant's responsibility. LUSD will send the applicant written instructions regarding the specific requirements for the notice board.

4. Notice of the application is also provided to anyone who writes to the division requesting information regarding the Reasonable Use Exception request.

Method for Processing

The Director of the Department of Development and Environmental Services has appointed the Manager of the Land Use Services Division to make final decisions regarding Reasonable Use Exceptions. This process generally takes 120-days provided no appeals are filed or substantial additional information is required. Upon conclusion of review of the Reasonable Use Exception application materials, the Manager issues a written decision based on the written record. A copy of the decision is mailed to all parties who have written to the division. There is a 14-day appeal period whereby an aggrieved person can file an appeal together with an appeal filing fee to the King County Hearing Examiner.

In those cases where a proposed action for a Reasonable Use Exception also requires other county permits, the following procedures shall apply:

1. When other permits require a public hearing before the Hearing Examiner, the review of the Reasonable Use Exception shall be combined with the other permit(s), and the Examiner shall act on behalf of the Manager for the purpose of the Reasonable Use decision.
2. When other permits are administratively approved, review of the Reasonable Use Exception application may be combined with other permits dependent on the granting of a Reasonable Use Exception. If not combined, other permits may proceed prior to review and approval of such reasonable use.
3. In those cases where the Hearing Examiner is presiding, the Examiner will also act as the decision-maker and rule on the Reasonable Use Exception.
4. In all cases of combined review, the most informative provisions for notification and processing shall govern the review of Reasonable Use Exception requests.
5. No permit shall be approved without prior review and approval of any required Reasonable Use Exception.

Criteria for Approval of a Reasonable Use Exception

The decision-maker will review the request for the Reasonable Use Exception and may approve the request based on the following criteria of K.C.C. 21A.24.070 (B):

- a. the application of this chapter would deny all reasonable use of the property;
- b. there is no other reasonable use with less impact on the critical area;
- c. the proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and
- d. any alteration permitted to the critical areas shall be the minimum necessary to allow for reasonable use of the property.

Note: There are other procedures for resolving critical areas issues, as follows:

1. Appeals (K.C.C. 21A.24.030): Any decision, condition approvals or denied development proposal may be appealed according to and as part of the appeal procedure for the permit or approval involved.
2. Variances from standards set forth under the Critical Areas Chapter: Procedures contained in K.C.C. 21A.44.030 are applicable.

An applicant may wish to discuss these options with a planner from the Land Use Services Division. A reasonable use application may be filed without first making application for a variance.

Submittal Requirements for Filing a Reasonable Use Exception Application

Unless otherwise noted, the following listed items are required to be submitted at the time of application. DDES forms are available online via the DDES Web site at www.kingcounty.gov/permits/ or by calling DDES Customer Service at 206-296-6600.

1. Land use permit application form: Complete and submit one (1) original copy and four (4) copies.
2. Legal Description: Submit three (3) copies.

On a piece of white, legal-size 8½" x 14" paper, type the legal description of the subject property and attach it to the application. The legal description of the property may be obtained from the King County Department of Assessments. **Be absolutely sure the description is correct and agrees with the property outlined on the Assessor's map.** A current legal description is necessary before the application is acceptable. If the legal description is written from a survey map, the map should accompany the description along with the Assessor's map outlined in red.

3. Assessor's Maps: Submit three (3) sets.

Submit up-to-date prints of the Assessor's 1/4 section maps covering the area within the application and all property within 500 feet of the boundaries of it. Outline subject property in red pencil and give a parcel number to each ownership. Prints of these must be ordered from the King County Department of Assessments, Room 700A, King County Administration Building, 500 4th Avenue, Seattle 206-296-7300. (Full sheet Assessor maps are required as part of the submittal package. Do not cut, tape or alter the maps.)

4. Application for Reasonable Use Exception: Submit five (5) copies.
5. Site Plan –drawn to a convenient engineer scale: Submit six (6) copies on 24" by 36" sheets, folded to fit in an 8 1/2" by 14" folder.

- ☐ Map scale and north arrow.
- ☐ Vicinity Map: show sufficient area and detail to clearly locate the project in relation to surrounding roads, parks, rivers and municipal boundaries, together with its scale.
- ☐ Property boundaries dimensioned and clearly and accurately delineated by a heavy line or color.
- ☐ Locate, name and dimension all existing and proposed streets and other public ways, easements, utility and railroad rights-of-way within and adjacent to the proposed development.
- ☐ Existing and proposed topography on separate drawings showing at least 5-foot contours to be extended at least 100 feet beyond project boundaries.
- ☐ Location of any major physical features such as railroads, lakes and rivers, including those within 500 feet of the subject property.
- ☐ Locate all critical areas and associated buffers on plans. A critical area includes erosion hazards, landslide hazards, steep slope hazards, avalanche, flood plain, wetland and/or stream. Indicate if streams are intermittent: 100-year flood plain for rivers, 100-year flood plain for streams and delineate top and toe of 40% slopes. See K.C.C. 21A.24 for Critical Area Standards and Development Limitations.
- ☐ Accurate dimensions, location and use of all existing and proposed structures on the subject property indicating porches, eaves, fences and signs. Identify any structures to remain or to be removed; identify existing wells and/or septic tank and drainfields.
- ☐ General size, location and uses of all existing structures within 100 feet of boundaries of the subject property.
- ☐ Show elevations and/or sections of all existing and proposed buildings depicting general character of the structures, relationship between floors, entrances, building height and grades.

- ☐ If any new streets are proposed (public or private), show street construction section or reference to suitable King County Department of Transportation standards (reference "King County Road Standards").
- ☐ Location, dimensions and design of off-street parking facilities showing points of ingress and egress (see K.C.C. 21A.18 and King County Road Standards).
- ☐ Boundaries of proposed common open space land, if any; indicate proposed use.
- ☐ Proposed public dedications, e.g., school sites, parks, etc. if any, within the site.
- ☐ Easements, deed restrictions or other encumbrances restricting the use of the property.

6. Reduced Site Plan: Submit five (5) copies of a reduced site plan on an 8½" x 11" sheet.

7. Water Availability Certificate: Submit five (5) copies

Preliminary approval for the creation of a new water system in accordance with the provisions of the applicable Coordinated Water System Plan or for connection with a private well from the Seattle-King County Department of Public Health; **or**

The Certificate of Water Availability form concerning water availability to the site must be given to the appropriate existing water purveyor to complete (water district, city, water association) and returned with this application. At the top of the form, a space is provided for a description of the site. In this space, the legal description of the site should be inserted or attached on a separate sheet if it is too lengthy.

Note: For sites located in the Urban Growth Area, if the development is not proposing to be served by an existing or new Group A water system at the time of construction, a Certificate of Future Connection must be given to the appropriate Group A water purveyor to complete and then returned with this form.

8. Sewer Availability Certificate: Submit five (5) copies.

Preliminary approval for individual or community on-site sewage disposal systems from the Seattle-King County Department of Public Health must be submitted with this application; **or**

The Certificate of Sewer Availability form concerning sewer availability to the site must be given to the appropriate agency to complete (sewer district) and then returned with this application. At the top of the form a space is provided for a description of the site. In this space, the legal description of the site should be inserted or attached on a separate sheet if it is too lengthy.

9. Interim Certificate of Future Water/Sewer Connection: If applicable, submit five (5) copies.

If the site is located in the Urban Growth Area, and an interim on-site sewage system is proposed, consistent with the provisions of K.C.C. 14.24.136, the following information is also required:

- A. The Certificate of Availability form must be submitted to the most logical sewer purveyor to complete (sewer district) and returned with this application along with a letter which demonstrates to the satisfaction of the Director of the Department of Development and Environmental Services that the requirement to receive sewer service from the purveyor is unreasonable or unfeasible at the time of the construction; and
- B. A Certificate of Future Connection must be given to the appropriate agency to complete and then returned with this application.

10. SEPA Environmental Checklist (only if required by K.C.C. 20.44): Submit 20 copies.

Please refer to instructions on the SEPA checklist form. The applicant will be contacted by LUSD if additional information or clarity is required. Failure to respond may cause postponement of consideration of the request. If another agency is the SEPA lead agency for this project, also submit 20 copies of the Threshold Determination. If an EIS has been prepared for this proposal, submit three (3) copies of the EIS with the application.

11. Fire District Receipt: Obtain from the local fire district. Submit five (5) copies.
12. Proof of "Legal" Lot Status: Documentation of the date and method of segregation of the subject property. Submit three (3) copies.
13. Certificate/Affidavit of Critical Areas Compliance: Submit three (3) copies.
14. Applicant Legal Status Form: Submit three (3) copies.
15. Three (3) copies of variance decisions required per King County Code 21A.
16. List of other issued or pending permits or decisions related to the proposal
17. Permit Review Fees
18. Critical Areas Study: Submit four (4) copies.

Basically, a special study shall identify and characterize any critical area as a part of the larger development proposal site, assess any hazards to the proposed development, assess impacts of the development proposal on any critical areas on or adjacent to the development proposal site, and assess the impacts of any alteration proposed for a critical area. Studies shall propose adequate mitigation, maintenance and monitoring plans and bonding measures. Critical area special studies shall include a scale map of the development proposal site and a written report.

19. Mitigation Plan: Submit four (4) copies.

A mitigation plan is required if any alteration to a critical area or critical area buffer is proposed. At a minimum, the mitigation plan shall specify which mitigation of K.C.C. 21A.24.170 is being utilized; and, specify what actions will be taken to avoid, minimize or reduce impacts on a critical area.

20. Other Documents: (Optional at the time of the application – LUSD may request or require submittal after the application has been filed.)

Photographs, charts, petitions, letters, models, etc., may be submitted at the discretion of the applicant. Submittals should fit within an 8½" x 14" legal-sized file folder.

Check out the DDES Web site at www.kingcounty.gov/permits